

REMARKS

This is a full and timely response to the Office Action mailed August 8, 2003.

By this Amendment, claims 8 and 11 were cancelled without prejudice or disclaimer to their underlying subject matter, and claims 7, 10 and 12-15 were amended. Specifically, claims 7 and 10 have been amended to incorporate the subject matter of canceled claims 8 and 11, respectively. Further, claims 12-15 have been amended to depend on newly amended claim 10. Support for the claim amendments can be found throughout the specification and the original claims. Claims 7, 9, 10 and 12-15 are pending in this application. Applicant believes that all pending claims are now in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Objections to the Drawings

Figures 4A, 4B, 4C, 5A, 5B and 5C have been amended to include a "Prior Art" legend as per the Examiner's request. Thus, withdrawal of this objection is requested.

Applicant, however, wishes to note that a paper entitling "Letter To The Official Draftsperson RE: Proposed Drawing Change" was filed with the Patent Office on January 27, 2002, in which approval of amendments to Figures 3, 4A to 4C and 5A to 5C was requested. The amendments to Figures 4A to 4C and 5A to 5C are the same as that effected in the present amendment. Applicant requests that the Examiner confirms in the next Official Action that such a paper was received and approved.

Applicant has resubmitted the amendments to Figures 4A to 4C and 5A to 5C in this amendment to expedite prosecution of the present application.

Objections to the Specification

The specification has been amended to effect the changes requested by the Examiner. No new matter has been added. Thus, in light of the changes to the specification, withdrawal of this objection is requested.

Rejection under 35 U.S.C. §112

Claim 11 is rejected under 35 U.S.C. §112, first paragraph, on new matter grounds. Applicant respectfully traverses this rejection. Support for the phrase "*wherein said collector is*

of the second conducting type, is formed directly under said link base layer” is found on page 18, line 14, of the specification. Thus, withdrawal of this rejection is respectfully request.

Double Patenting Rejection under 35 U.S.C. §101

Claim 7 is rejected under 35 U.S.C. §101, as claiming the same invention as that of claim 1 of U.S. Patent 5,824,589. Applicant respectfully traverses this rejection.

However, in order to expedite prosecution, Applicant has amended claim 7 to incorporate the subject matter of claim 8. Thus, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 7, 9 and 10 are rejected under 35 U.S.C. §102(e) as being anticipated by Miwa et al. (U.S. Patent 5,856,228). Applicant respectfully traverses this rejection.

However, in order to expedite prosecution, Applicant has amended claims 7 and 10 to incorporate the subject matter of non-rejected claims 8 and 11, respectively. Thus, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Claim 8 is rejected under 35 U.S.C. §103(a) as being obvious over Miwa et al. (U.S. Patent 5,856,228) in view of Gomi (U.S. Patent 4,994,181). Applicant respectfully traverses this rejection.

Claim 8, as now embodied in claim 7, cannot be rejected under 35 U.S.C. §103(a) as being obvious over Miwa et al. in view of Gomi, since Miwa et al. is not a valid prior art reference under 35 U.S.C. §103(c).

35 U.S.C. §103(c) states that

“[S]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Since Miwa et al. (U.S. Patent 5,856,228) is a prior art reference under the provision of 35 U.S.C. §102(e) and owned (at the time the invention was made) by the same assignee, Sony

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Corporation, as the present application, it cannot be used to preclude patentability under 35 U.S.C. §103(a).

Thus, withdrawal of this rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: October 27, 2003

Respectfully submitted,

By 

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Attachments

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.

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REPLACEMENT SHEETS

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ANNOTATED SHEETS SHOWING CHANGES



FIG. 4A PRIOR ART

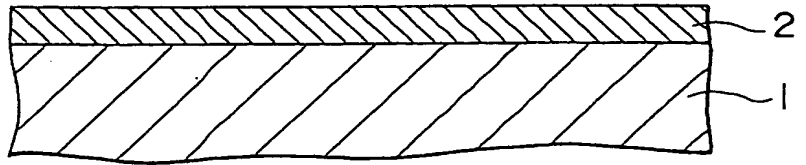


FIG. 4B PRIOR ART

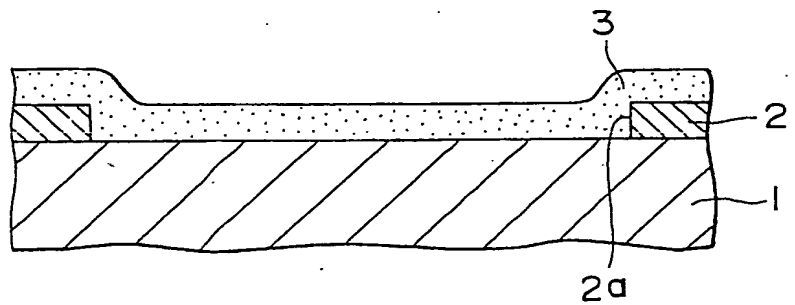


FIG. 4C PRIOR ART

